

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	8:10CV318
)	
V.)	
)	
JBS USA, LLC,)	ORDER
)	
Defendant.)	
)	

The EEOC and Plaintiff/Intervenors (collectively referred to herein as “Plaintiffs”) filed a motion ([filing 136](#)) requesting that the court enter a protective order prohibiting Defendant from deposing ten out-of-state plaintiff/intervenors in Omaha, Nebraska. Subsequent to the filing of the motion, Plaintiffs agreed to produce four of the witnesses in Omaha, Nebraska at a time to be determined by the parties. Plaintiffs continue, however, to request that the court order that the depositions of six of the ten plaintiff/intervenors occur in Minneapolis, Minnesota, rather than in Omaha.

A telephonic conference was held with the parties regarding this matter this morning. Having considered the parties’ arguments, as well as the materials submitted in connection with the motion, the court finds that the equities in this case favor holding six of the noticed depositions in Minneapolis, Minnesota, with Plaintiffs reimbursing defense counsel the difference in airfare costs. The other four depositions at issue shall occur in Omaha, Nebraska at a time to be decided by the parties.

Accordingly,

IT IS ORDERED:

1. Plaintiffs’ Motion for Protective Order ([filing 136](#)) is granted, in part, as follows:
 - a. Fadumo Abdi, Farham Abdi, Sugra Mohamed Olad, Abdirahman Ahmed Yusuf, Mohamed Jama Farah and Maymun Yusuf shall appear for deposition in Minneapolis, Minnesota at a mutually-convenient time to be determined

by the parties.

- b. Plaintiffs shall pay the difference in airfare between round-trip tickets from Denver, Colorado to Omaha, Nebraska vs. Denver, Colorado to Minneapolis, Minnesota for defense counsel's travel to these depositions.
 - c. Abdulkadir Adan, Sirad Adan, Sahara Noor and Muhubo Ahmed shall be made available for deposition in Omaha, Nebraska at a mutually-convenient time to be determined by the parties.
2. Plaintiffs' Motion for Leave to Submit Additional Evidence in Support of their Motion for Protective Order ([filing 156](#)) and Motion for Telephonic Oral Argument on Plaintiffs' Motion for Protective Order and Request for Expedited Consideration ([filing 160](#)) are denied as moot.

DATED November 1, 2011.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**